IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 29934 of 1997

Between:

P.V.Venkateswar Rao S/o. Muthyam
R/o. Door No. 35-11-14, Mangalavarapupet,
Rajahmundry, East Godavari District.

..... PETITIONER

AND

1 Regional Transport Officer & Asst. Secretary, Regional Transport Authority, East Godavari District, Rajahmundry.
2 Transport Commissioner, Andhra Pradesh, Hyderabad.
3 Joint Transport Commissioner & Secretary, State Transport Authority, Andhra Pradesh, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not permitting the petitioner to alter the seating capacity of the vehicle of the petitioner bearing Registration No.AP.5/T.3133 as a Motor Cab as illegal, arbitrary, contrary to law and further direct the respondents to permit the petitioner to operate the said vehicle as a Motor Cab with a seating capacity of '7' in all by altering the seating capacity from 10 in all to 7 in all in the Registration Certificate of the said vehicle, while directing the 3rd respondent to issue an All India Tourist Permit to the said vehicle; and pass

Counsel for the Petitioner:MR.E.MARUTHI RAJA

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 29934 of 1997

ORDER:

The present writ petition is filed questioning the action of the first respondent in not permitting the petitioner to alter the seating capacity of the vehicle bearing No.AP 5/T 3133 as a motor cab.

It is submitted by the learned Government Pleader for Transport and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by a Division Bench judgment of this Court in **O. Gangadhar v. Transport Commissioner, A.P.**, wherein it was held as follows:

> "….As could be seen from the scheme of the Act and the Rules made thereunder in a given case, the Transport Authorities while granting stage carriage or contract carriage permits, keeping in view the route of journey viz., hill stations, fair weather routes etc., a condition may be imposed in the permit to carry certain maximum number of passengers. Merely because the form of permit is provided with a column of 'number of passengers seats', it cannot be said that the owners of the vehicles have a right to get the alteration of seating capacity by removing some seats…."

Following the above judgment, this writ petition is also dismissed for the same and similar reasons. No costs.

N.V. RAMANA, J

Date: 31-03-2005

tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 TheRegional Transport Officer & Asst. Secretary, Regional Transport Authority, East Godavari District, Rajahmundry.
2 The Transport Commissioner, Andhra Pradesh, Hyderabad.
3 The Joint Transport Commissioner & Secretary, State Transport Authority, Andhra Pradesh, Hyderabad.

4) 2 CD copies

5) 2 CCs to Government Pleader for Transport, High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**MADHURI**}*